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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,648	08/19/2003	Keiri Yoshioka	Q76025	3740

65565 7590 08/29/2007
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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08/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/642,648

Applicant(s)

YOSHIOKA, KEIRI

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to the amendment filed July 2, 2007 wherein applicant submits arguments and claims 1-4 are pending in this application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaminkow et al. (US Pub No. 2003/0064770).

Regarding claim 1, Kaminkow et al disclose a game device comprising an operating portion, which outputs a signal in accordance with a player's operation for proceeding a game (figure 6A and paragraphs [0011-0012]; where a player decides to change the speed of the game); a signal detector, which detects either a consecutive signal within a predetermined period of time or an intermittent

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signal within a predetermined period of time from the operating portion (figure 6A and paragraphs [0011-0012 & 0052-0055]; a prompter, which prompts a player to determine whether to change a speed of progress in the game when either the consecutive signal or the intermittent signal is detected (figure 6A and paragraphs [0052-0055]; where a speed up indicator is shown); a determination receiver, which receives a player's determination regarding the change of the speed of progress in the game (figure 6A and paragraphs [0011-0012]; and a speed changer, which changes the speed of progress in the game in accordance with the player's determination when the player's determination is received (figure 6A and paragraphs [0011-0012 & 0052-0055]).

Regarding claim 3, Kaminkow et al discloses a prompt controller, which controls the prompter so as to prompt the player to determine whether to change the speed of progress in the game after the current game is suspended, when either the intermittent signal or the consecutive signal output from the operating portion is detected during the game is proceeded (summary; where change in speed of the game is capable of being changed in stand alone or bonus embodiment).

Regarding claim 4, Kaminkow et al discloses a restorer, which restores the speed of progress in the game changed in accordance with the player's determination to an initial speed of progress of the game, when a restore signal from a restore signal generator after completion of the game is received (summary; where normal play resume if the player does not choose the speed change or after normal play resumes after the bonus game).

Allowable Subject Matter

3. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed July 2, 2007 have been fully considered but they are not persuasive.

Applicant contends that the prior art does not disclose according to independent claim 1 includes an operating portion, which is controlled by a player, and a signal detector which detects either a "continuous signal" or an "intermittent signal," each within a predetermined period time. It also requires a prompter, which prompts a player when either the continuous signals or intermittent signals are detected, and the determination receiver, which receives a player's determination to change speed and a speed changer, which changes the speed in the game.

The examiner respectfully disagrees. The limitation in claim 1 recites a signal detector, which detects either a consecutive signal within a predetermined period of time or an intermittent signal within a predetermined period of time from the operating portion. Giving a claim its broadest reasonable interpretation, consecutive is defined as one after another not continuous. Kaminkow discloses that when the "speed up" is shown, the player may choose to accept it thus decreasing the time of a player has to make a decision. If a player may receive more than one "speed up" within the game, the player may choose to accept another speed up, thus a consecutive signal within a predetermined time period is disclosed. The length of time may be defined as continuous in the specification but what applicant argues is not claimed. Applicant's argument regarding the "continuous signal" is not being claimed or commensurate with scope of the claimed invention.

Applicant contends that there is no teaching or suggestion that there shall be a restored signal in accordance with the player's determination to an initial speed of progress of the game, after completion of the game is received.

The examiner respectfully disagrees. When the bonus game ends normal play resumes until the bonus game is triggered.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the signal detector detects a continuously signal) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714

AM
APR